

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of DISCOVERY CHARTERS, INC., as owner of the vessel *CHUBASCO* for Exoneration From or Limitation of Liability in relation to June 22, 2018 incident

Case No. 3:19-cv-02423-MMC

Admiralty - Maritime Claim

**[PROPOSED] ORDER GRANTING
PLAINTIFF-IN-LIMITATION'S
MOTION FOR EXONERATION AND
DEFAULT JUDGMENT AGAINST ALL
NON-APPEARING CLAIMANTS**

Date: November 8, 2019
Time: ~~9:00 a.m.~~
Courtroom: 7 - 19th Floor
Judge: Maxine M. Chesney

Plaintiff-in-Limitation's Motion for an exoneration from liability and default judgment against all non-appearing claimants came ~~on~~ for hearing before the Honorable Maxine Chesney ~~on November 8, 2019~~, in the above-entitled Court.

Having read and considered Plaintiff-in-Limitation's Motion, the Court deems the matter suitable for decision thereon, VACATES the hearing scheduled for November 8, 2019, and hereby rules as follows.

1 The Court finds that no claims were made in response to Plaintiff-in-Limitation's
2 complaint for exoneration from and/or limitation of liability within the time period set forth by
3 the Court. The Court finds that any potential claims by Lisa Clever have been settled, and a
4 notice of settlement was filed on August 6, 2019. Therefore, there are no remaining legally
5 cognizable claims contesting Plaintiff-in-Limitation's right to exoneration from liability. Thus,
6 the Court finds that DISCOVERY CHARTERS, INC., as owner of the vessel CHUBASCO, is
7 entitled to judgment as a matter of law.

8 The Court further finds that any claims against Plaintiff-in-Limitation are neither
9 permissible nor necessary. The Court further finds that pursuant to F.R.C.P. Rule 55(b) that
10 entry of default judgment is appropriate as against All Non-Appearing Claimants.

11 **IT IS HEREBY ORDERED, JUDGED, AND DECREED AS FOLLOWS:**

12 Plaintiff-in-Limitation's Motion for exoneration from liability and default judgment is
13 granted; and ~~the Clerk is expressly directed to:~~

14 Plaintiff in limitation shall have judgment in its favor

Clerk's

15 (1) ~~enter default judgment~~ ^A as to All Non-Appearing Claimants further to the ~~Court's~~ ^A
earlier entry of default; and

is exonerated

16 (2) ~~enter an Order Exonerating~~ Plaintiff-in-Limitation from any and all claims, losses,
17 and/or injuries that occurred as a result of the incident on or about June 22, 2018, ~~and enter~~
18 ~~judgment in Plaintiff in Limitation's favor accordingly.~~; and

19 (3) The Clerk is directed to enter judgment in accordance herewith.

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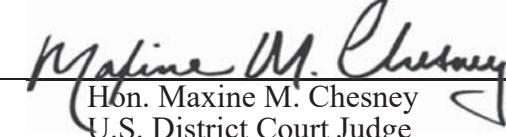
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Dated: October 7, 2019


Hon. Maxine M. Chesney
U.S. District Court Judge
Northern District of California